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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROBERTO ANTONIO CHAVEZ-  
GRANADOS,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 07-72264

Agency No. A041-445-843

MEMORANDUM \*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted January 13, 2009\*\*

Before: O'SCANNLAIN, BYBEE, and CALLAHAN, Circuit Judges.

Roberto Antonio Chavez-Granados, a native and citizen of El Salvador,  
petitions for review of the Board of Immigration Appeals' ("BIA") order denying

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\* This disposition is not appropriate for publication and is not precedent  
except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without  
oral argument. See Fed. R. App. P. 34(a)(2).

his motion to reopen. We have jurisdiction under 8 U.S.C. § 1252. *Ghahremani v. Gonzales*, 498 F.3d 993, 998 (9th Cir. 2007). We review for abuse of discretion the denial of a motion to reopen. *Singh v. Gonzales*, 416 F.3d 1006, 1009 (9th Cir. 2005). We deny the petition for review.

The BIA did not abuse its discretion in concluding that Chavez-Granados was not entitled to equitable tolling where he did not demonstrate that he exercised due diligence in discovering former counsels' alleged errors. *See Iturribarria v. INS*, 321 F.3d 889, 897 (9th Cir. 2003) (equitable tolling available “when a petitioner is prevented from filing because of deception, fraud, or error, as long as the petitioner acts with due diligence in discovering the deception, fraud, or error”).

**PETITION FOR REVIEW DENIED.**